IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION

WRIT PETITION (LODGING) NO.2426 OF 2006

Mahalaxmi Co.op.Housing & anr. Petitioners
vs.
Maharashtra Housing & Development Authority & 2 ors. Respondents

Mr.P.D.Prasad Rao for the petitioners.

Mr.K.R.Belosay, AGP for respondents 1 & 3.

Mr.G.D.Utangale for respondent no.2.

CORAM : F.I.REBELLO &
ANOOP V. MOHTA,JJ.

DATED : 20th November, 2006

P.C.

Rule. Heard forthwith.

2. It is the case of the petitioners that development cannot be proceeded with in view of the stay order granted by the Supreme Court. It is submitted that the Supreme Court has now directed that the appeal pending be disposed of within six months.

3. Considering the above and hardship that will occasion to those who are residing in the transit tenements provided by respondent no.1 and the need of respondent no.1 for providing accommodation to those whose buildings are to be demolished and reconstructed, we think ends of justice would be met by issuing the

following directions:

(1) Petitioners to file an affidavit before this court that they will vacate the premises within nine months from today and that they will not ask for any further time.

(2) On such undertaking being filed, the respondents not to take steps to evict the petitioners. The undertakings to be filed within two weeks from today.

(3) The undertaking further to contain statement that the petitioners will not create third party rights in respect of the premises allotted by respondent no.1.

4. Rule made absolute accordingly. There shall be no order as to costs.

(F.I. REBELLO, J.)

(ANOOP V. MOHTA,J.)